

## REMARKS

Claim 1 has been amended to clarify the present invention.

### **I. Response to Claim Rejections under 35 U.S.C. § 102 and §103**

#### **A. Uytterhoeven et al.**

Claims 1-2 and 18-20 were rejected under 35 U.S.C. § 102 (b) or § 103 (a) as being unpatentable over Uytterhoeven et al.

Applicants respectfully submit that Uytterhoeven et al. does not disclose the photothermographic material of the claimed invention. In Uytterhoeven et al., the silver halide is formed by partial conversion of the organic silver salt to the silver halide, as described in column 14, lines 9-21 of Uytterhoeven et al. On the other hand, in the present invention, the non-photosensitive organic silver salt is prepared in the presence of the photosensitive silver halide which has been preformed. This difference in the method of forming a mixture of the silver halide and the organic silver salt actually results in the differences in the resultant photothermographic material, as explained in the Declaration submitted on February 17, 2005. It should be noted that the photographs shown in the Declaration are the photographs of the finally-obtained photothermographic materials respectively using the different methods for mixing the organic silver salt and the photosensitive silver halide. Accordingly, the photographs actually present the difference between the photothermographic material of the presently claimed invention and the photothermographic materials prepared by conventional techniques. Specifically, thin film specimens were taken from the photothermographic materials respectively prepared by the different techniques, and the electron micrographs of the specimens were taken. The micrographs clearly show the difference in dispersion state between the photothermographic materials. The dispersion state in the photothermographic prepared by the method of the invention (method B shown in the Declaration) is unexpectedly superior to the dispersion state in the photothermographic materials prepared by any of the conventional methods A and C.

Table 2 of the specification of the present application further shows the excellent characteristics (such as high sensitivity, and low fog and print-out) of the photothermographic material of the presently claimed invention, compared to the photothermographic materials prepared by conventional techniques. Such differences in photographic performance could not be expected from the difference in the conventional methods (methods A and C described in the Declaration).

Because Uytterhoeven et al. does not teach nor suggest the photothermographic material of the present invention, the withdrawal of the rejection is respectfully requested.

**B. Uytterhoeven et al. in view of Ikenoue et al.**

Claims 3-6 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Uytterhoeven et al. in view of Ikenoue et al. As described above, Uytterhoeven fails to disclose the photothermographic material of the presently claimed invention. Ikenoue et al. cannot remedy the deficiency since Ikenoue et al. does not disclose the specific preparation process of the organic silver salt dispersion described in the invention. Therefore, the Applicant respectfully submits that the combination of Uytterhoeven et al. and Ikenoue et al. neither teaches nor suggests the presently claimed invention. Accordingly, withdrawal of the rejection is respectfully requested.

**C. Uytterhoeven et al. in view of Arai et al.**

Claims 10-17 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Uytterhoeven et al. in view of Arai et al. As described above, Uytterhoeven fails to disclose the photothermographic material of the presently claimed invention. Arai et al. cannot remedy the deficiency since Arai et al. does not disclose the specific preparation process of the organic silver salt dispersion described in the invention. Therefore, the Applicant respectfully submits that the combination of Uytterhoeven et al. and Arai et al. neither teaches nor suggests the presently claimed invention. Accordingly,

withdrawal of the rejection is respectfully requested.

**D. Uytterhoeven et al. in view of Goto et al. or Farid et al.**

Claims 8-9 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Uytterhoeven et al. in view of Goto et al. or Farid et al. As described above, Uytterhoeven fails to disclose the photothermographic material of the presently claimed invention. Goto et al. or Farid et al. cannot remedy the deficiency since neither Goto et al. nor Farid et al. discloses the specific preparation process of the organic silver salt dispersion described in the invention. Therefore, the Applicant respectfully submits that the combination of Uytterhoeven et al. and Goto et al. or Farid et al. neither teaches nor suggests the presently claimed invention. Accordingly, withdrawal of the rejection is respectfully requested.

**E. Ohzeki et al.**

Claims 1-7 and 10-20 were rejected under 35 U.S.C. § 102 (e) or § 103 (a) as being unpatentable over Ohzeki et al.

Applicants respectfully submit that Ohzeki et al. does not disclose the photothermographic material of the claimed invention. In Ohzeki et al., the silver halide and the organic silver salts are prepared separately, then mixed, as described in paragraph [0411] of Ohzeki et al. On the other hand, in the present invention, the non-photosensitive organic silver salt is prepared in the presence of the photosensitive silver halide which has been preformed. This difference in the method of forming a mixture of the silver halide and the organic silver salt actually results in the differences in the resultant photothermographic material, as explained in the remarks concerning Uytterhoeven.

Because Ohzeki et al. does not teach nor suggest the photothermographic material of the present invention, the withdrawal of the rejection is respectfully requested.

**F. Fukui et al.**

Claims 1-20 were rejected under 35 U.S.C. § 102 (e) or § 103 (a) as being unpatentable over Fukui et al.

Applicants respectfully submit that Fukui et al. does not disclose the photothermographic material of the claimed invention. In Fukui et al., the silver halide and the organic silver salts are prepared separately, then mixed, as described in paragraph [0614] of Fukui et al. On the other hand, in the present invention, the non-photosensitive organic silver salt is prepared in the presence of the photosensitive silver halide which has been preformed. This difference in the method of forming a mixture of the silver halide and the organic silver salt actually results in the differences in the resultant photothermographic material, as explained in the remark on Uytterhoeven.

Because Fukui et al. does not teach nor suggest the photothermographic material of the present invention, the withdrawal of the rejection is respectfully requested.

**G. Yoshioka.**

Claims 1-7 and 10-20 were rejected under 35 U.S.C. § 102 (e) or § 103 (a) as being unpatentable over Yoshioka.

Applicants respectfully submit that Yoshioka does not disclose the photothermographic material of the claimed invention. In Yoshioka, the silver halide and the organic silver salts are prepared separately, then mixed, as described in paragraph [0424] of Yoshioka. On the other hand, in the present invention, the non-photosensitive organic silver salt is prepared in the presence of the photosensitive silver halide which has been preformed. This difference in the method of forming a mixture of the silver halide and the organic silver salt actually results in the differences in the resultant photothermographic material, as explained in the remark on Uytterhoeven.

Because Yoshioka does not teach nor suggest the photothermographic material of the present invention, the withdrawal of the rejection is respectfully requested.

**II. Response to Nonstatutory Provisional Double Patenting  
Rejections**

**A. Application No. 10/238,611**

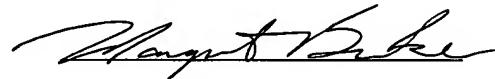
Claims 1-7 and 10-20 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of copending Application No. 10/238,611 (US 2003/0194659). This reference is the same as Ohzeki. Applicant respectfully submits that Ohzeki does not teach nor suggest the photothermographic material of the claimed invention, for the reasons as described above. Accordingly, the withdrawal of the rejection is respectfully requested.

**B. Application No. 10/403,006**

Claims 1-7 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of copending Application No. 10/403,006 (US 2003/0207216). This reference is the same as Fukui. Applicant respectfully submit that Fukui does not teach nor suggest the photothermographic material of the claimed invention, for the reasons as described above. Accordingly, the withdrawal of the rejection is respectfully requested.

In view of the foregoing amendments and remarks, it is submitted that all of the claims currently pending in the application are in condition for allowance. Early and favorable action is respectfully requested.

Respectfully submitted,



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